

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 143

May 25, 1999, 2:52 p.m.  
Page S-5916 Temp. Record

## DEFENSE AUTHORIZATION/Certification on NATO's New Strategic Concept

**SUBJECT:** National Defense Authorization Act for fiscal year 2000 . . . S. 1059. Roberts/Warner modified amendment No. 377.

### ACTION: AMENDMENT AGREED TO, 87-12

**SYNOPSIS:** As reported, S. 1059, the National Defense Authorization Act for fiscal year 2000, will authorize a total of \$288.8 billion, which is \$8.3 billion more than requested by the Clinton Administration and which represents a 2.2-percent real increase in defense spending. Highlights include a 4.8-percent pay raise and a \$3.4 billion increase in military construction.

**The Roberts/Warner modified amendment** would require the President to determine and certify whether or not the new Strategic Concept of the North Atlantic Treaty Organization (NATO) encompassed any new commitment or obligation on the United States. It would then express the sense of the Senate that if the President certified that it encompassed a new commitment or obligation, then he should submit it to the Senate for ratification, as constitutionally required. The President would also be required to submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where a commitment of NATO forces might be made "out of area" or beyond the borders of NATO member nations.

**Those favoring** the amendment contended:

President Clinton has unilaterally been working, without any approval from the Senate, to change NATO from a defensive alliance into its polar opposite--an offensive force. Due in large part to his efforts, NATO has sent troops to Bosnia, a non-NATO country, and is currently engaging in an air war against Yugoslavia, which is also a non-NATO country. In April of this year, at NATO's 50th anniversary, he put his idea of using NATO in offensive operations into writing with his reworking of NATO's Strategic Concept. All of the United States' NATO partners did the United States' bidding and accepted that new Strategic Concept.

(See other side)

YEAS (87)				NAYS (12)		NOT VOTING (1)	
Republican (49 or 91%)		Democrats (38 or 84%)		Republicans (5 or 9%)	Democrats (7 or 16%)	Republicans (1)	Democrats (0)
Abraham	Hatch	Akaka	Kennedy	Hagel	Biden	McCain- <sup>2</sup>	
Allard	Helms	Baucus	Kerrey	Kyl	Boxer		
Ashcroft	Hutchinson	Bayh	Kerry	Roth	Durbin		
Bennett	Hutchison	Bingaman	Kohl	Smith, Gordon	Inouye		
Bond	Inhofe	Breaux	Landrieu	Specter	Lautenberg		
Brownback	Jeffords	Bryan	Leahy		Moynihan		
Bunning	Lott	Byrd	Levin		Robb		
Burns	Lugar	Cleland	Lieberman				
Campbell	Mack	Conrad	Lincoln				
Chafee	McConnell	Daschle	Mikulski				
Cochran	Murkowski	Dodd	Murray				
Collins	Nickles	Dorgan	Reed				
Coverdell	Roberts	Edwards	Reid				
Craig	Santorum	Feingold	Rockefeller				
Crapo	Sessions	Feinstein	Sarbanes				
DeWine	Shelby	Graham	Schumer				
Domenici	Smith, Bob	Harkin	Torricelli				
Enzi	Snowe	Hollings	Wellstone				
Fitzgerald	Stevens	Johnson	Wyden				
Frist	Thomas						
Gorton	Thompson						
Gramm	Thurmond						
Grams	Voinovich						
Grassley	Warner						
Gregg							
						<b>EXPLANATION OF ABSENCE:</b> 1—Official Business 2—Necessarily Absent 3—Illness 4—Other	
						<b>SYMBOLS:</b> AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

As a result, NATO's reason for being, as it has existed for 50 years, has now been perverted both in action and in writing. For 50 years, NATO's message has been that if the territory of any of its members is attacked, then all the other members will come to the aid of the country that is attacked; under the new Clinton Strategic Concept, the new message is that if any country offends NATO, NATO will "defend" itself by attacking it. In reality, because the United States has most of the weaponry, what this doctrine really means is that if any nation offends whomever is President of the United States (assuming we always have a President like President Clinton, who thinks he has the full unilateral right to involve the United States in any wars he pleases without any approval from Congress), then NATO will likely attack. Countries that are the United States' adversaries or potential adversaries could draw two other possible conclusions, both negative: NATO intends to expand throughout Europe and the world by force; or NATO only will intervene timidly in situations when it does not face a formidable adversary.

President Clinton has been expressing his desire for NATO's mutation for years. For instance, on May 27, 1997, President Clinton said: "... we are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping. ... It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe--NATO's old members, new members, and non-members alike." Four days later, on May 31, he said: "To build and secure a new Europe, peaceful, democratic, and undivided at last, there must be a new NATO, with new missions, new members, and new partners. We have been building that kind of NATO for the last 3 years with new partners in the Partnership for Peace and NATO's first out-of-area mission in Bosnia." While Senators may have differing ideas on the advisability of this change, it does not make sense to say that it is not a major change.

The operative, binding language in the NATO treaty on the use of military force is in article 5, which commits NATO members to mutual self-defense. No other language in the treaty commits member nations to perform any military action. Until Bosnia, NATO never used its military forces outside of its own territory, and, because none of its members were ever attacked, it never even used its forces in defense, period. Now it has involved itself first in Bosnia, a country that has never been democratic, in order to police a centuries-old conflict, and it has gone to war against Yugoslavia, again an undemocratic nation, largely for the humanitarian purpose of protecting a losing side, ethnic Albanian Moslems, in a civil conflict in Kosovo, Yugoslavia.

In April of this year, NATO met to celebrate its 50th anniversary. At that celebration it adopted a revised strategic concept. As our colleagues have noted, that revision was the sixth major revision since NATO's inception, and other major revisions have made large, substantive changes to how the treaty would be enforced. For instance, the doctrine of "massive retaliation" was at one time adopted in the strategic concept, and that doctrine was changed later to a new policy of "flexible response" to an attack. As our colleagues have noted, those changes were not approved by the Senate. However, the difference between those changes and the new strategic concept is that they were consistent with the NATO treaty. They were plans for militarily defending the territorial integrity of NATO members. Adopting a plan to implement a treaty that is utterly inconsistent with the terms of the treaty, as NATO has just done, is tantamount to creating a brand new treaty. The new Clinton doctrine for NATO contains 65 specific points, many of which serve to redraw NATO's purpose. For instance, point number 24 states that article 4 of the treaty supposedly gives NATO the right to coordinate efforts to respond outside of NATO territory to a range of perceived threats, including threats from "terrorism, sabotage, organized crime, and the disruption of vital national resources." That point clearly misreads article 4, which states the following: "The parties will consult together when in the opinion of any of them the territorial integrity or political independence or the security of any of the parties is threatened." That agreement to consult, for 50 years, was not taken as any sort of a license to coordinate "defensive" attacks outside of NATO members' territory. In another section, the new revision states that NATO members "must be prepared to contribute to conflict prevention and to conduct a non-article 5 crisis response operation." Why? The NATO treaty does not mention any duty to contribute to "a non-article 5 crisis response" operation. Which article supposedly contains this new obligation? All we have is a nebulous reference saying that it is somewhere in the treaty besides article 5.

Some Senators have suggested that the 1991 revision to the Strategic Concept also mentioned new global threats and how NATO would respond to them. They say that we did not demand Senate ratification for that revision and that we therefore should not demand ratification to this revision. In hindsight, after seeing how NATO has been used in recent years, we believe that we should have been more concerned about that language. However, we also note that the 1991 document also stated: "The alliance is purely defensive in purpose. None of its weapons will ever be used except in self defense." That phrase has been removed, much more expansive language has been added, and we now have a history of NATO being used outside of its territory. An argument can be made that we ought to have demanded ratification of the 1991 changes; a tremendously stronger argument can be made that ratification is needed for the current changes.

The rationale behind NATO's aggressiveness in Bosnia and Yugoslavia is the theory that if conflict is allowed to continue in the region it may lead to other civil unrest throughout Europe. This new theory of "defense" looks an awful lot like offense to most of the rest of the world. Russia, China, India, and a whole host of other countries have condemned it. The only countries outside of NATO that have been generally supportive of NATO's intervention on behalf of the Moslem minority in Kosovo have been countries with majority-Moslem populations. There are numerous ethnic conflicts all over the world (in Sudan, China, and Indonesia for example) that are as bad as or worse than what is happening in Yugoslavia. Under this new theory of "defense," would NATO be justified in intervening in any conflict in which it decided the results would be inimical to the security of NATO members? Would

MAY 25, 1999

VOTE NO. 143

it be justified in attacking China and occupying Tibet in order to stop China's rise as a new global military power, led by communists hostile to NATO and freedom? Would it be justified in attacking Russia because of the fighting in Chechnya, on the same rationale used for the current war against Yugoslavia (that ethnic conflict must not be allowed in Europe)? Would it be justified in attacking India because of ethnic conflict in Kashmir? Should the United States attack Mexico because of its current troubles with Native Americans in Chiapas State? Some Senators may respond that obviously NATO would not attack China or any other major power. Why, because it would be too costly in dollars and blood to fight a major power? Is NATO a world bully that talks tough about human rights and other principles only when the opponent is a weak nation it can safely pummel with bombs from 15,000 feet in the air? For 50 years, NATO operated with a clear, unambiguous message--it would defend itself when attacked. This new Clinton theory of "defense" has removed the clarity. This theory may prove to be unwise, it may prove to be costly, and it may prove to be exceedingly dangerous for United States interests.

Over the course of the Clinton presidency, many Senators have regularly decried his constant (and largely successful) efforts to slash defense spending at the same time as he has been quick to send servicemen and women into conflicts around the world. At times, those actions have been in concert with other nations; in other cases the United States has acted alone. Usually, though, almost all the military force used has come from the United States. In some cases, the United States has operated under the imprimatur of the United Nations, but approval from that body is not easy for the United States to obtain. We believe that the vision President Clinton may have for NATO is that the United States will use it rather than the United Nations as the sanctioning body for United States' efforts to police the world. NATO countries will provide only a supporting role, just as the United Nations does in United States military operations it backs and as NATO is currently providing in the bombing war against Yugoslavia. The advantage for this President is that it should be much easier to persuade allies to back United States' military actions than it is to persuade the United Nations. If the result is that the United States ends up in even more wars, United States national security interests will be weakened even further. The huge defense cuts and the constant deployments that have occurred under this President have already caused tremendous damage to our military capabilities--equipment is aging, training is inadequate, parts are in short supply, pay is so low that thousands of soldiers qualify for food stamps, and morale is being crushed by deployment rates that are higher than at any time since World War II. If the United States ever faces a real threat to its national security interests, it may find that its resources are so depleted and spread so thin that it will not be able to respond to that threat.

The Senate voted to approve the bombing campaign against Yugoslavia after it became clear the President would attack with or without Congress' assent. After the campaign began, the House voted against it. Both bodies voted against approving the use of ground forces. Though the President has not sought permission from Congress, he has sought permission from NATO allies. In fact, he has not taken any new actions during the campaign without first getting the approval of the heads of state of each NATO member. United States forces comprise the vast majority of all the forces fighting--do our colleagues believe it is appropriate for the heads of state of Europe to be directing United States forces in a war? Do they believe it is appropriate for foreigners to have a say in this war but that Members of Congress, the elected representatives of the American soldiers in combat, do not have any say?

The Roberts/Warner amendment is a very modest means of addressing the concerns we have addressed above. We believe that the new Strategic Concept entails new commitments, and essentially revises the NATO treaty, but we have not made that finding as part of the amendment. Instead, all we have done is ask the President to state his opinion as to whether the new revision contains any new obligations on the United States. If it does, then he should submit the treaty to the Senate for ratification. We believe that this amendment asks for the bare minimum. We urge all Senators to support it.

#### Argument 2:

This amendment only orders the President to certify whether or not the new Strategic Concept contains any new obligations. We believe that the amendment seeks to find out if it contains any legal, as opposed to political, commitments. The President can and should make political commitments during the normal conduct of foreign policy, but he cannot make legal commitments. President Clinton has already asserted that the new Strategic Concept does not contain any new legal commitments. It would be helpful if he were to make that certification to the Senate.

#### Those opposing the amendment contended:

We do not believe that anything in the new Strategic Concept creates any new legal obligations. We note that it largely mirrors the 1991 Strategic Concept, which properly noted the new "global" threats facing NATO, that talked of "risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources, and actions of terrorists and sabotage," and that talked of risks from the "adverse consequences of instabilities that may arise in serious economic, social, and political difficulties, including ethnic rivalries and territorial disputes which are faced by many countries in Central and Eastern Europe." There was nothing inappropriate about the 1991 Strategic Concept--it did not create any new legal obligations on the United States. It may have created political obligations, as it is the President's prerogative to create, but it did not create any new

legal obligations because it could not--Congress must be involved before the United States can be legally bound. Further, we note that our colleagues are overstating the breadth of the new revision. For the most part, the President was very mindful of the direction that the Senate wanted him to follow. A large part of the language of the new revision, word for word, was drawn directly from a Kyl amendment that the Senate passed on an overwhelming vote during the debate on NATO's expansion. We still support the concepts embodied in that amendment. NATO clearly faces new threats now that the Soviet Union has collapsed, and it would be foolish to pretend otherwise and to fail to adjust our military capabilities to respond to those new threats. We urge our colleagues to be consistent. We know many of them have very serious concerns about the current war in which NATO is involved, and they especially have concerns about the ability and character of this particular President, but they should not allow those concerns to hinder NATO from developing an effective strategy for defense in the modern world. This amendment should be rejected.